

REMARKS

In the above-identified Office Action the Examiner has rejected claims 1,13,15,17,19 and 21 as unpatentable over U.S. publication 2003/0130225 in view of Wallin et al. In an interview held recently with the Examiner and his Supervisory Primary Examiner, Applicant noted that of the references cited, the U.S. publication to Ahmad et al. teaches the use of fluconazole orally in combination with a topical treatment of an anti-fungal agent or an anti-bacterial agent which has been identified as tinidazole or secnidazole. The Examiner would combine Ahmad et al. with Wallin et al. in the rejection. Wallin et al. teaches the oral administration of tinidazole. It is Applicant's position that Ahmad et al. teaches away from the oral administration of both components in that he utilizes one oral and one topical treatment, thereby leading one skilled in the art to look for further topical treatments to combine with the oral administration of fluconazole. Insofar as Wallin et al. teaches the oral administration of Tinidazole, one skilled in the art would not look to Wallin et al. for its teaching but, rather, would seek another topical agent to combine with the fluconazole. As such, Applicant believes that the combination of references is not appropriate and requests that it be withdrawn.

In addition to the above, claims 2,3,5, 18, 20 and 22 have been rejected as unpatentable over Ahmad et al. in view of Videau et al. Similar to the previous argument, Videau et al. teaches an oral administration of secnidazole which the Examiner would combine with Ahmad et al. However, insofar as Ahmad et al. teaches fluconazole taken orally and, inter alia, secnidazole administered topically, one skilled in the art would not consider the oral administration of secnidazole to be equivalent to the topical administration of secnidazole and, thus, would not make the combination. As such, Applicant believes that this combination of references is also inappropriate and requests its withdrawal.

Application No. 10/762,616
Amdt. dated 4 June 2010
Reply to Office Action of 16 March 2010

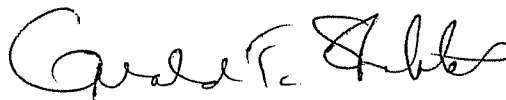
Applicant has amended the claims to emphasize the fact that the fluconazole and tinidazole and the fluconazole and secnidazole are both in a single tablet for oral administration, thereby emphasizing its differences with each of the above-described combination of references.

Applicant hereby requests reconsideration and reexamination thereof.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent than the last name "Shekleton".

Dated: 4 June 2010

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